

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 4-9 are currently pending. Claims 1-3 have been canceled without prejudice or disclaimer. Claim 4 has been rewritten in independent form to essentially incorporate the subject matter from canceled Claims 1-3. Claims 5-8 have been amended to be dependent from rewritten Claim 4. Claim 9, also dependent from Claim 4, is added and supported by at least the disclosure at page 13, lines 22-27. Therefore, it is submitted to be clear that the amendments of Claims 4-8 and the addition of new Claim 9 do not add any new matter.

In the outstanding Office Action, Claim 1 was rejected under 35 U.S.C. § 102(e) as being anticipated by Hatakenaka et al. (U.S. Patent No. 6,563,542, hereinafter Hatakenaka) and Claims 2, 3, 7, and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hatakenaka in view of Hasegawa et al. (U.S. Patent No. 6,169,854 hereinafter Hasegawa).

Initially, Applicant acknowledges with appreciation the indication in the outstanding Action that Claims 4-6 are only objected to as depending on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Accordingly, Claims 1-3 have been canceled which renders the rejection of Claim 1 under 35 U.S.C. § 102(e) as being anticipated by Hatakenaka and the rejection of Claims 2 and 3 under 35 U.S.C. § 103(a) as being unpatentable over Hatakenaka in view of Hasegawa moot. In addition, the subject matter of these canceled claims has been essentially incorporated into dependent Claim 4 so as to rewrite Claim 4 in independent form with all the subject matter from canceled base Claim 1 and canceled intermediate Claims 2 and 3 rearranged slightly to better conform to U.S. claim practice. Accordingly, allowance of Claim 4 is respectfully submitted to be in order.

In addition, Claims 5 and 6 have been amended to depend from allowable Claim 4. Accordingly, allowance of Claims 5 and 6 is also respectfully submitted to be in order.

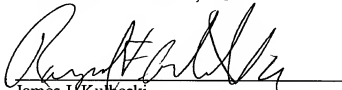
As Claims 7 and 8 have been amended to be dependent on allowable Claim 4, withdrawal of the rejection of Claims 7 and 8 under 35 U.S.C. § 103(a) as being unpatentable over Hatakenaka in view of Hasegawa and allowance of Claims 7 and 8 is further respectfully submitted to be in order.

Finally, as new Claim 9 also depends from allowable Claim 4, allowance of Claim 9 is also respectfully submitted to be in order.

Consequently, in view of the present amendments and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



James J. Kulbaski
Registration No. 34,648
Attorney of Record

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 06/04)
JJK:RFC\jmp

Raymond F. Cardillo, Jr.
Registration No. 40,440